

HOUSE BILL 2416

By Yokley

AN ACT to amend Chapter 539 of the Private Acts of 1953; as amended by Chapter 292 of the Private Acts of 1967; Chapter 202 of the Private Acts of 1974; Chapter 146 of the Private Acts of 2002 and Chapter 76 of the Private Acts of 2005; and any other acts amendatory thereto, relative to civil service protection for certain employees of the City of Newport.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 539 of the Private Acts of 1953; as amended by Chapter 292 of the Private Acts of 1967; Chapter 202 of the Private Acts of 1974; Chapter 146 of the Private Acts of 2002 and Chapter 76 of the Private Acts of 2005; and any other acts amendatory thereto, is amended in Section 12 by deleting subsection (b) in its entirety and by substituting instead the following:

(b) The provisions of Section 12 shall apply to all members of the classified service of the Newport Police Department. Newly hired officers shall be required to complete a probationary period of six (6) months. At the completion of the probationary period the officers shall be included under Civil Service upon notification by the chief of police. However, the positions of chief of police and of assistant chief of police are removed entirely from the classified service.

SECTION 2. Chapter 539 of the Private Acts of 1953; as amended by Chapter 292 of the Private Acts of 1967; Chapter 202 of the Private Acts of 1974; Chapter 146 of the Private Acts of 2002 and Chapter 76 of the Private Acts of 2005; and any other acts amendatory thereto, is further amended in Section 12 by deleting subdivision (c)(4) in its entirety and by substituting instead the following:

(c)(4) The positions of chief of police and of assistant chief of police are removed from the classified service. The chief of police and assistant chief of police shall be

appointed by, and serve at the pleasure of, the board of mayor and aldermen. Those positions may be filled with appointees from within or outside the classified service.

SECTION 3. Chapter 539 of the Private Acts of 1953; as amended by Chapter 292 of the Private Acts of 1967; Chapter 202 of the Private Acts of 1974; Chapter 146 of the Private Acts of 2002 and Chapter 76 of the Private Acts of 2005; and any other acts amendatory thereto, is further amended in Section 12 by deleting from subsection (e) the language "All persons holding positions in the Police Department, including the Chief of Police, who, upon the effective date of this Section", and by substituting instead the language "All persons holding positions in the police department, excluding the chief of police and assistant chief of police, who upon the effective date of this section".

SECTION 4. Chapter 539 of the Private Acts of 1953; as amended by Chapter 292 of the Private Acts of 1967; Chapter 202 of the Private Acts of 1974; Chapter 146 of the Private Acts of 2002 and Chapter 76 of the Private Acts of 2005; and any other acts amendatory thereto, is further amended in the second subsection (f) of Section 12 by deleting subdivision (f)(2) in its entirety.

SECTION 5. Chapter 539 of the Private Acts of 1953; as amended by Chapter 292 of the Private Acts of 1967; Chapter 202 of the Private Acts of 1974; Chapter 146 of the Private Acts of 2002 and Chapter 76 of the Private Acts of 2005; and any other acts amendatory thereto, is further amended in Section 12 by redesignating the second subsection (f) as subsection (ff).

SECTION 6. Chapter 539 of the Private Acts of 1953; as amended by Chapter 292 of the Private Acts of 1967; Chapter 202 of the Private Acts of 1974; Chapter 146 of the Private Acts of 2002 and Chapter 76 of the Private Acts of 2005; and any other acts amendatory thereto, is amended in Section 13 by deleting subsection (b) in its entirety and by substituting instead the following:

(b) The provisions of this section shall apply to all member personnel working on a full-time basis in the fire department in the City of Newport, except that the positions of fire chief and of assistant chief are removed entirely from the classified service. All such other persons together, shall be known as the classified service. The fire chief and the

assistant fire chief shall be appointed by, and serve at the pleasure of, the board of mayor and aldermen, and the board may fill such positions from within or from outside the classified service.

SECTION 7. Chapter 539 of the Private Acts of 1953; as amended by Chapter 292 of the Private Acts of 1967; Chapter 202 of the Private Acts of 1974; Chapter 146 of the Private Acts of 2002 and Chapter 76 of the Private Acts of 2005; and any other acts amendatory thereto, is further amended in subsection (c) of Section 13 by deleting the first sentence of the second paragraph in its entirety and by substituting instead the following:

(c) Subject to the other standards set forth in this section, the following minimum standards shall be set by the chief of the fire department and the board: mental ability, physical conditions, experience, education, personality, and specified training for each job classification in the department.

SECTION 8. Chapter 539 of the Private Acts of 1953; as amended by Chapter 292 of the Private Acts of 1967; Chapter 202 of the Private Acts of 1974; Chapter 146 of the Private Acts of 2002 and Chapter 76 of the Private Acts of 2005; and any other acts amendatory thereto, is further amended in Section 13 by deleting from the third paragraph of subsection (c) the following language:

However, if a vacancy occurs in the office of chief of the fire department, the vacancy shall be filled by the board of mayor and aldermen of the City of Newport from among all the qualified names on the roster without necessary regard to seniority.

SECTION 9. Chapter 539 of the Private Acts of 1953; as amended by Chapter 292 of the Private Acts of 1967; Chapter 202 of the Private Acts of 1974; Chapter 146 of the Private Acts of 2002 and Chapter 76 of the Private Acts of 2005; and any other acts amendatory thereto, is further amended in Section 13 by adding the following language at the end of the subsection (e):

However, the positions of fire chief and of assistant fire chief are entirely removed from the classified service.

SECTION 10. Chapter 539 of the Private Acts of 1953; as amended by Chapter 292 of the Private Acts of 1967; Chapter 202 of the Private Acts of 1974; Chapter 146 of the Private

Acts of 2002 and Chapter 76 of the Private Acts of 2005; and any other acts amendatory thereto, is further amended in Section 13 by deleting the first sentence of subsection (g) in its entirety and by substituting instead the following:

The tenure of all members of the classified service holding office, place, position, or employment under the provisions of this section shall be for and only during good behavior.

SECTION 11. Chapter 539 of the Private Acts of 1953; as amended by Chapter 292 of the Private Acts of 1967; Chapter 202 of the Private Acts of 1974; Chapter 146 of the Private Acts of 2002 and Chapter 76 of the Private Acts of 2005; and any other acts amendatory thereto, is further amended in Section 13 by deleting from the third paragraph of subsection (j) the language "The board of mayor and aldermen of the city, as to the chief of the fire department, and the chief of the fire department with the approval of the board of mayor and aldermen, as to all other personnel shall notwithstanding any other provisions of this section", and by substituting instead the language "The board of mayor and aldermen, or the fire chief with the approval of that board, shall, notwithstanding any other provisions of this section,".

SECTION 12. Chapter 539 of the Private Acts of 1953; as amended by Chapter 292 of the Private Acts of 1967; Chapter 202 of the Private Acts of 1974; Chapter 146 of the Private Acts of 2002 and Chapter 76 of the Private Acts of 2005; and any other acts amendatory thereto, is further amended in Section 13 by deleting from the first paragraph the language "In the case of a vacancy in the office of chief of the fire department, the board shall certify the names of all persons eligible to fill the vacancy, and the appointing authority shall appoint one (1) of the persons so certified".

SECTION 13. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Newport. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of the City of Newport and certified to the secretary of state.

SECTION 14. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 13.

